UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,660	02/01/2001	Sagahiro Taho	723-1006	3512

27562	7590	05/03/2004

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EXAMINER
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ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 March 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01 February 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by grok-mame and MAME.

MAME is the Multiple Arcade Machine Emulator. It is a program that was introduced in

January 1997, and to date emulates approximately 5,000 arcade games on various computer

platforms and under various operating systems. MAME is a command line program – the user types

in the game to be played along with options in order to run the program. This might look something

like this:

C:> MAME pacman –option1 –option2

This would run the pacman program on the host computer with the options specified. The

MAME documentation clearly states that MAME emulates the arcade machine upon which pacman

was originally played. MAME is described in references $V_1 - W_2$.

Grok-mame (described in reference U_1) is a graphical user interface designed for use with

the MAME program. It was last updated in January 1998. (See reference U_2.) It cannot run

without the MAME program – they are in essence a single software package. Therefore, it is

appropriate to consider grok-mame and MAME to be a single reference. Throughout this rejection

this combination will be referred to as grok-mame.

Claims 1, 16, 20, 28, 30: Grok-mame teaches a game information storage medium (program)

utilized for a first game machine having a first architecture (i.e., a pc), with at least one game

program for a second game machine having a second architecture (i.e., the arcade machine)

different from the first architecture of the first game machine. The game program has a game title

(i.e., Omega Race, Pac Man, Space Panic, etc.). There is at least one emulator program, which emulates the second game machine in the first game machine to thereby, render the game program executable on the first game machine. The emulator program is associated to the game title of the game program. There is a game selection program for the first game machine and for displaying information indicative of a game title of the game program to be selected by a player (see grok-mame menu screen shot). The game information storage medium is utilized on the first game machine, the game selection program is executed to permit a player to select a game title, and, upon selection of the game title, the game program corresponding to the selected game title is automatically executed using the emulator program as a result of the association between the game title and the emulator program.

Claims 2, 31: The each game program has a game title. There are at least two game programs – about 5,000 at last count. The game selection program includes a program which displays game titles of the at least two game programs so as to cause the player to select any one of the game titles, and at a time that the execution of the game program is started-up, the game program having the selected game title is automatically executed using the emulator program as a result of the association between the emulator program and the selected game title. (See grok-mame screen shot.)

Claims 3, 32: The game selection program displays information indicative of the game titles of the game program for the first game machine and the game program for the second game machine so as to prompt a player to select any one of the game titles. (Screen shot) When a game title selected by the player is of the game program for the first game machine, the game program for the first game machine is directly executed, and when the game title selected by the player is of the game program for the second game machine, the game program for the second game machine is automatically executed using the emulation program as a result of the association of the emulator program and the selected game title. Note since all programs are run on the first game machine, all programs are

"game programs for the first game machine" and are all directly executed. If Applicant intends to amend the claims to claim the concept of running games designed specifically for the first game machine and not designed for the second game machine without using the emulator, Applicant is referred to Mame32 (described in reference U3), which is made of record, but not relied upon for this rejection.

Claims 4, 12, 25, 33: The emulator program includes at least two emulator programs which emulate at least two kinds of the second game machines having architectures different from each other and each of said emulator programs are associated with respective game titles, and the game selection program starts execution of a game program for the second game machine of the selected game title based on the emulator program corresponding to the selected game title of the game program for the second game machine. Grok-mame emulates approximately 5,000 different types of arcade machines.

Claims 5, 18, 34: The emulator program includes at least two emulator programs which emulate the second game machine in at least two kinds of the first game machines having architectures different from each other and each of said emulator programs are associated with respective game titles, and the game selection program includes a program for starting execution of the game program for the second game machine based on the emulation program corresponding to the selected game title for a kind of the first game machine. Grok-mame runs on any system that can run the Unix or Linux operating systems. This includes computers from mainframes to personal computers.

Claims 6, 15, 19: The second game machine has a lesser processing capability than the first game machine. Arcade machines process one game. General purpose computers can perform many functions.

Claims 7, 13, 26, 35: Grok-mame includes a preliminary program for outputting preliminary information indicative of an outline of a game according to the game program, wherein when a

game title is provisionally selected, the game selection program executes the preliminary program

associated with the provisionally-selected game title so as to output the preliminary information, and

when the game title is formally selected, the game selection program starts execution of the game

program of the formally-selected game title and execution of the emulator program which causes the

game program to be executed in the first game machine. Highlighting a game title causes the

"rating", "style" and "note" fields to appear. This is execution of a preliminary program for

outputting preliminary information indicative of an outline of a game according to the game

program.

Claims 8, 14, 27, 36: Grok-mame emulates Gauntlet II. (See Game List, reference W_2 for evidence

that grok-mame emulates Gauntlet II. See reference X_2 for a description of Gauntlet II.) Gauntlet II

includes graphics data of a plurality of kinds of characters usable in a game and a character

display/selection program which displays the respective characters prior to the execution of the

game program so as to prompt a player to select a desired character out of the displayed characters;

and a data replacement program which replaces the graphics data read-out by the emulator program

with the graphics data of the character that has been selected by the player – i.e., the player may

chose which character to play.

Claims 9, 21, 22: Grok-mame teaches a game information storage medium used in a first game

machine (i.e., pc, etc.) which includes a first processing system (i.e., CPU) for processing a program

stored in the game information storage medium, a writable/readable memory (i.e., RAM) and a

controller (i.e., mouse, keyboard, etc.) operated by a player for utilizing a game program for a

second game machine which includes a second processing system having an architecture different

from an architecture of the first processing system in the first game machine. There is at least one

game program for the second game machine each game program having a game title – there are

actually nearly 5,000. For each title, there is at least one emulator program which is associated with

a game title and includes a program for converting the architecture of the second processing system

into the architecture of the first processing system such that the first processing system can process

the game program for the second game machine. Grok-mame includes a game selection program

for displaying information indicative of a game title to be selected by the player in starting the

medium. (See menu screen shot.) The emulator program associated with the game title selected by

the player and at least a portion of said game program of the game title are automatically accessed

when the player selects the information indicative of a game title of the game program for the

second game machine.

Claims 10, 23: Grok-mame emulates the hardware of the arcade machines. Arcade machines

inherently have registers –that's where digital computers manipulate numbers. In order to emulate

the machine, the grok-mame emulator program must include a program which sets a virtual register

corresponding to a register included in the second processing system (arcade machine) in a storage

area of the writable/readable memory and calculates data to be generated by the second processing

system by utilizing the virtual register in response to an instruction in the game program for the

second game machine.

Claims 11, 24: The first processing system must include a first graphics processor for performing

graphics processing for displaying an image by the first game machine based on the game program

for the first game machine, and a first operation processor for performing processing operations

other than the graphics processing, and the second processing system includes a second graphics

processor for performing graphics processing for displaying an image by the second game machine

based on the game program for the second game machine, and a second operation processor for

performing processing operations other than the graphics processing. (In other words, the computer

running grok-mame and the emulated arcade game can both run programs and display data.) The

emulator program includes a graphics processing emulator program for causing the first processing

system to emulate a function of a second graphics processor provided in the second game machine,

and an operation processing emulator program for causing the first processing system to emulate a

function of the second processing system provided in the second game machine. That is how

emulators work. It would be impossible to play the games unless the emulator had these features.

Claim 29: Claim 29 is merely a rehash of elements from other claims. See above for the rejection

of these limitations.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the
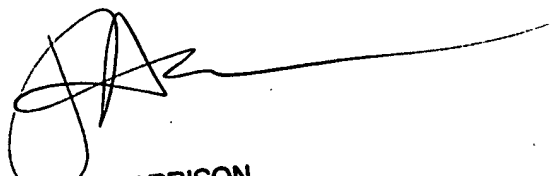
new ground(s) of rejection.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Name	URL	Description
MAME	http://www.mame.net/	Basic description of MAME
Mame.txt	http://www.mame.net/readme.html	MAME information
Windows.txt	http://www.mame.net/readmewin.html	MAME command line & options
Frontends	http://www.mame.net/frontend.html	MAME frontends gives dates for grok-mame
FAQ	http://www.mame.net/mamefaq.html	FAQ for MAME
Gamelist.txt	http://www.mame.net/gamelist.html	List of emulated games
Gauntlet	http://en.wikipedia.org/wiki/Gauntlet_(game)	Description of Gauntlet
Mame32 Overview	http://www.clasicgaming.com/mame32qa/help/mame32_overview.htm	Description of Mame32 frontend

Any inquiry concerning this communication or earlier communications from the examiner should be

directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be

reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Jessica

Harrison can be reached on (703) 308-2217. The fax phone number for the organization where this

application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free).

cbc

JESSICA HARRISON
PRIMARY EXAMINER